

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

DOMINIQUE L. ALEXANDER,

Plaintiff,

vs.

BMW OF NORTH AMERICA, LLC,

Defendant.

Case No. 7:18-CV-03065-JD

**VERDICT FORM**

**JURY VERDICT**

We, the jury, return the following verdict:

**1(a).** Did Plaintiff prove that when Defendant BMW NA, LLC, sold the 2015 BMW 528i, the vehicle's occupant protection system, including the airbag and seatbelt system, was defectively designed and unreasonably dangerous?

YES ☒ NO ☐

***If your answer to Question 1(a) is NO, your verdict is for the Defendant, and you should not proceed further except to date and sign this Verdict Form and return it to the Court. If your answer to question 1(a) is YES, please answer Question 1(b).***

**1(b).** Did Plaintiff prove that a design defect in the occupant protection system, including the airbag and seatbelt system, was a proximate cause of enhanced injuries to Plaintiff?

YES ☒ NO ☐

***If your answer to Question 1(b) is NO, your verdict is for the Defendant, and you should not proceed further except to date and sign this Verdict Form and return it to the Court. If your answer to Question 1(b) is YES, please answer Question 2(a).***

**2(a).** Did Plaintiff prove that the manufacturer or BMW NA, LLC, failed to provide an adequate and appropriate warning about the occupant protection system, including the airbag and seatbelt system, in the 2015 BMW 528i?

YES \_\_\_\_\_ NO ✓

*If your answer to Question 2(a) is NO, then skip Questions 2(b) and (c) and answer Question 3, including subparts (a)-(f). If your answer to Question 2(a) is YES, please answer Question 2(b).*

**2(b).** Did Plaintiff prove that the manufacturer or BMW NA, LLC's failure to provide an adequate and appropriate warning about the occupant protection system, including the airbag and seatbelt system, in the 2015 BMW 528i was a proximate cause of enhanced injuries to Plaintiff?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer to Question 2(b) is YES, please answer Question 2(c).*

**2(c).** Did Plaintiff prove that the manufacturer or BMW NA, LLC's failure to provide an adequate and appropriate warning about the occupant protection system, including the airbag and seatbelt system, in the 2015 BMW 528i was the result of BMW NA, LLC's failure to use reasonable care?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered YES to Questions 1(a) and (b) or answered YES to Questions 2(a) and 2(b) above, please answer Questions 3(a)-(f).*

**3.** Please state the total amount of actual damages that will fairly and reasonably compensate Plaintiff Dominique Alexander for all of her enhanced injuries, if any, resulting from the strict liability claim or failure to warn claim, including:

- |    |   |                     |
|----|---|---------------------|
| a) | Past medical and health care expenses   | \$ <u>220,000</u>   |
| b) | Future medical and health care expenses | \$ <u>1,000,000</u> |
| c) | Past pain, suffering and disability     | \$ <u>250,000</u>   |
| d) | Future pain, suffering and disability   | \$ <u>250,000</u>   |

e) Past loss of earning capacity

\$ 100,000

f) Future loss of earning capacity

\$ 1,000,000

***If you answered YES to Question 2(c) above, please answer Question 4. If you answered NO to Question 2(c) above, please stop and end your deliberations, and you should not proceed further except to date and sign this Verdict Form and return it to the Court.***

4. Did Plaintiff prove by clear and convincing evidence that her injuries were the result of reckless, willful, wanton, or malicious conduct by BMW NA, LLC, or that it acted in reckless disregard of Plaintiff's rights?

YES \_\_\_\_\_ NO ✓

***If your answer is NO, end your deliberations as to punitive damages. You have reached a verdict for BMW of North America, LLC, on punitive damages. You should not proceed further except to date and sign this Verdict Form and return it to the Court.***

***If your answer is YES, please continue to Question 5.***

5. What is the reasonable amount of punitive damages, if any, that will fairly punish BMW NA, LLC, for reckless, willful, or wanton disregard of Plaintiff's rights and deter such action in the future?

\$ \_\_\_\_\_

SO SAY WE ALL, this 3rd day of February, 2023